

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

Stella Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850

[www.montgomerycountymd.gov/content/council/boa.asp](http://www.montgomerycountymd.gov/content/council/boa.asp)

**Case No.S-2583**

**PETITION OF JORGJI TASHO AND FRANKA TASHO**

**OPINION OF THE BOARD**

(Opinion adopted: November 12, 2003)  
(Effective Date of Opinion: January 8, 2004)

Case No. S-2583 is an application for a special exception pursuant to Section 59-G-2.00 (Accessory Apartment) of the Zoning Ordinance to permit an existing accessory apartment.

Pursuant to Section 59-A-4.125 of the Zoning Ordinance, the Board of Appeals referred the case to the Hearing Examiner for Montgomery County to conduct a public hearing and render a written report and recommendation to the Board. The Hearing Examiner convened a hearing on September 24, 2003, and issued a report and recommendation, dated October 22, 2003, for approval of the special exception with conditions.

Decision of the Board:                      Special exception **granted**, subject  
to conditions enumerated below.

The subject property is Lot 5, Block A, Osburn Property Subdivision, located at 15116 McKnew Road, Burtonsville, Maryland, 20866.

The Board of Appeals considered the report and recommendation from the Hearing Examiner, together with a request for oral argument before the Board from Dashamir and Brunilde Pulaj, at its Worksession on November 12, 2003. In the request for oral argument, the Pulajs raise concern about infringement of their driveway easement. The Board notes that the Pulajs gave testimony before the Hearing Examiner, and finds that the Hearing Examiner gave full consideration to this matter during the public hearing and in the report and recommendation. The Board finds no need for further testimony on the matter. The Board further notes that the condition of approval regarding the

easement area affords an enforcement tool which would not be available if the special exception were not granted. Therefore, in Case No. S-2583, Petition of Jorgji and Franka Tasho, the Board adopts the report and recommendation of the Hearing Examiner and **grants** the special exception for an accessory apartment subject to the following conditions:

1. Petitioner shall be bound by their testimony and exhibits of record, including but not limited to, Exhibits 3, 4, 5 and 17, to the extent that such evidence and representations are identified in the Hearing Examiner's Report and Recommendation and in the opinion of the Board.

2. As required in the Memorandum of Cece Kinna, Housing Code Inspector, Division of Housing Code Enforcement [Exhibit 17], Petitioners shall:

a) Install a permanent step next to the bedroom window in the accessory apartment to cure the problem of the windowsill being more than 44 inches above the floor;

b) Remove all dysfunctional vehicles from the yard; and

c) House no more than two unrelated persons or a family of not more than three persons in the accessory apartment.

3. The Petitioners must respect the Pulajs' easement, must not park in the easement area and must limit the number of vehicles permanently housed on their property to two cars in their garage and two cars on the outside of the garage. When the arrival of guests causes there to be more than two cars outside of the garage, the Petitioners must see to it that the parking of those vehicles does not prevent the Pulajs (or their guests) from accessing their own property through the shared driveway, as their easement entitles them to do.

On a motion by Allison Ishihara Fultz, seconded by Donna L. Barron, with Louise L. Mayer, with Angelo M. Caputo and Donald H. Spence, Jr., Chairman in agreement, the Board adopted the following Resolution:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

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Donald H. Spence, Jr.  
Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 8<sup>th</sup> day of January, 2004.

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Katherine Freeman  
Executive Secretary to the Board

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.